

he give you a direction these males, did he give you a direction 811 these males

TR. # 13

(COP) FAR Northeast to J..... (DIFFERENT? DIS.) ASSIST 8525 FRANKFORD AVE.....
 ON location..... location..... WE'RE looking for a white vehicle, it's possibly a white Cutlass occupied by two white males, it possibly a Cutlass or Oldsmobile, first white male wearing a grey jacket second male is in a dark jacket and jeans they fled the scene poss eastbound on Benson from Jackson..... SUFFICIENT PERSONEL -- 85 JACKSON -- INVESTIGATION AS FAR AS VIOLATION FIRED SHOTS AT POLICE IN ROBBERY looking for two white males, ONE OF THE MALES IS WEARING GREY JACKET, SECOND MALE IS WEARING DARK JACKET AND JEANS..... A white vehicle is possibly a Chrysler or a white colored..... EASTBOUND ON BENSON FROM JACKSON..... (COP) FAR Northeast to J band.....
 it's IN REFERENCE TO THIS ASSIST FROM A PASSERBY, MALES WERE, THE MALES IN THE WHITE VEHICLE older model four door vehicle possibly a Chrysler or an Oldsmobile, they were SEEN EXCHANGING INFORMATION WITH MALES IN A purple Dodge Durango THIS WAS BEFORE THE ASSIST..... (COP) 2 COMMAND..... (DIS) 2 COMMAND..... (COP) CAN you check with 8 BARNEY AND SEE IF THERE IS ANY INJURIES TO POLICE..... (DIS) 8 B..... (COP) 8 BARNEY W HAVE NO INJURIES AT THIS TIME..... (COP) 8 Tom 7, 8 Tom 7..... (DIS) Tom 7....
 (COP) WE'RE STILL CHECKING THE VIDEO BUT UNTIL THAT TIME THE NUMBER TWO MA GONNA BE A white male, LATE 30'S, he HAS A LARGE NOSE AND he WAS WEARING A TAN SKI MASK, THE NUMBER ONE male CALLED him by the NAME Donny, NO FURTHER AT THIS TIME..... (DIS) OKAY

TR. # 14

(COP) 8 BARNEY WE HAD 8th DISTRICT CAR THAT WAS WITH THE SILVER CAR THAT ATTEMPTED TO BE CAR JACKED, IS SHE STILL WITH HIM..... (DIS) 811..... (COP) 811.....

D-8

..... ^(COP) LISA CAN you bring him up to the front of the store AS WELL AS
 the neighbor who witnessed it..... ^(COP) DAN 108..... ^(DIS) DAN 108..... ^(COP) 81
 24 PAT BARNES is gonna bring them both AROUND for me..... ^(COP) DAN 10
 ^(DIS) DAN 108..... ^(COP) just be advised myself AND ANOTHER UNIT ARE
 EN ROUTE to the SCENE Ah is there A location where everything is
 going on here 8525 FRANKFORD..... ^(DIS) That's CORRECT, it's a CVS —
 ^(COP) Alright and we HAVE WITNESSES there too..... ^(DIS) CORRECT.....
^(COP) Alright, if they CAN hold on to the WITNESSES, WE'RE coming up..... ^(COP) 8 Tom
 do you have MORE Flash on the MALES — — — SO I CAN GIVE OUT.....
^(COP) 8 CHARLIE..... ^(DIS) CHARLIE..... ^(COP) — — — yea I'm gonna HAVE the
 three OFFICERS in — — — Give em a call let em know..... ^(DIS) OKAY.....
 ? — — — have them come in (OR; 7 command)..... ^(COP) — — — how many
 OFFICERS discharged AND where ARE they..... ^(DIS) THREE OFFICERS
 discharged AND..... ^(COP) 8 BARNES WE HAVE THREE AND their all
 with 8 CHARLIE AND lead command

TR. # 15 ^(COP) — — — do we know if anybody WAS ACTUALLY hit..... ^(COP) — — — they
 believe they MAY HAVE winged the ONE guy in the leg but at
 this time we HAVEN'T found ANY blood trail..... ^(COP) Thank you.

TR. # 16 ^(DIS) 8B..... ^(COP) 8B..... ^(DIS) what type of gun WAS recovered behind the CVS.
 ^(COP) it WAS recovered inside the building I believe AND you'll HAVE to
 RAISE Tom 7 MA'am..... ^(DIS) Tom 7..... ^(COP) Tom 7..... ^(DIS) what type of
 gun WAS recovered..... ^(COP) OKAY, we HAVE A brown AND black gun
 it APPEARS to be A pellet gun inside the back window, we do hav
 shell CASINGS in the back of the store NEAR the drive up window
 ^(COP) DAN 108..... ^(DIS) DAN 108..... ^(COP) has the CRIME SCENE UNIT
 BEEN notified yet do you know..... ^(DIS) — — — EVERYONE WAS.....

(DIS) EVERYONE WAS NOTIFIED ——— (COP) THANK YOU ——— (COP) ——— BE ADVISE
 Ah ANOTHER CRIME SCENE UNIT WILL BE EN ROUTE TO THAT LOCATION...
 (COP) DO YOU SEE RADIO... (DIS) THAT'S CORRECT, 8 COMMAND OR 7 COMMAND...
 (COP) 7 COMMAND... (DIS) Alright, I NEED YOU TO CALL THE FRONT DESK IN REFER
 TO ALL THIS (80) (COP) 8 BARNES... (DIS) CAN YOU CALL THE FRONT DESK
 WHEN YOU GET A CHANCE... (COP) I CAN MA'AM BUT I'M NOT GONNA HA
 ANY BADGES OR INFORMATION FOR YOU Ah, 8 CHARLIE IS COLLECTING ALL THE
 INFORMATION RIGHT NOW... (DIS) Alright, THEY HAVE THE BADGES BUT THEY JU
 WANT A LITTLE INFORMATION OF WHAT'S GOING ON SO THEY CAN MAKE THE
 NOTIFICATION... (COP) Alright, I'll GIVE THEM A HOLLAR... (COP) FAR NOR
 EAST... (DIS) PROCEED... (COP) 2522... (COP) 8 C I'll CALL THE FRON
 DESK WHEN I GET TO INTERNAL AFFAIRS AND GET SITUATED... (COP) FAR
 NORTH EAST ——— I HAVE A VEHICLE STOPPED ——— ANYBODY TO I.D. (DIS)
 THESE PERPETRATORS OR THE VEHICLE AT 4200 BLOCK OF HOLMSTAD... (DIS) DO
 WE HAVE ANYBODY THAT CAN I.D. (COP) 3939... (DIS) 3938 FAR NORTHEAST
 (COP) YES WE HAVE EM BEHIND 4800 STRAHLE, WE HAVE ONE OF THE NEIGHBOR
 SAY SHE SAW TWO MALES RUN INTO A GARAGE, I'M OUT HERE WITH MY PART (DIS)
 WE HAVE AN OPEN DOOR BACK HERE, 25 TOM 3'S HERE WITH US... (DIS) ALRIGHT
 CAN I GET SOME OTHER UNITS 4800 STRAHLE WE HAVE AN OPEN PROPERTY, TWO (DIS)
 MALES WENT BEHIND THAT LOCATION... (COP) YOU SAID 4800... (DIS) THAT'S CORRECT
 THE REAR, WE HAVE AN OPEN PROPERTY... (COP) CAN YOU GIVE ME THAT ADDRESS
 AGAIN... (DIS) 4800 BLOCK OF STRAHLE IN THE REAR WE HAVE AN OPEN PROPERTY
 (COP) THAT'S BEHIND THE 4800 BLOCK OF STRAHLE... (COP) 25 COME OKAY...
 (DIS) 25 COME IN, ALRIGHT I NEED SOMEONE TO I.D. THIS VEHICLE OR ———
 ——— A WITNESS BECAUSE 2522 HAS A VEHICLE STOPPED... (COP) TOM
 FAR NORTHEAST DO YOU'S HAVE SOMETHING... (DIS) WE HAVE AN OPEN
 PROPERTY BEHIND THE 4800 BLOCK OF STRAHLE... (COP) 4800 YOU SAID... (DIS)
 THAT'S CORRECT... (COP) TO FAR NORTHEAST ANY LUCK ON THAT 4800

D-8

block of Holmsburg 811 811 2522 has a vehicle stopped
do you have the witness that can possibly I.D. The witness is
at the store right now, I'm holding the scene Alright, unit
unit has the witness, 2522 has the vehicle stopped 4200 Holme.
... vehicle stopped Ma'am it's gonna be 24 Pat BARNEY
... 24 Pat BARNEY 24 Pat BARNEY Alright, do you have the
witness 2522 has a vehicle stopped 4200 Holme 711 do you have
a better location we have several buildings out here at 4800 Struble
... 24 Pat BARNEY, Alright I'll bring em down 3938
be advised we have enough officers back here Alright
sufficient in the back of Struble in the rear
it's gonna be 4200 Holmsburg 24 Pat BARNEY they have a car stopped
... alright Far Northeast is anyone en route now, Alright than
you 25 Charlie the proper address is gonna be 8535 Ditman...
... okay 3938 it's gonna be a negative inside the garage...
3938 okay 8 Tom 7 8 Tom 7 Some Flash on the number
Three male that was a look out at the front of the store who
you're ready Proceed it's gonna be white male
UNKNOWN AGE WEARING light blue jeans huh brown work boots and
grey coat, nothing further at this time Okay.

TR. #17
8 BARNEY 8 B yea, do we have any 8th district personnel who are current
on location that can meet me at 4400 Struble, Struble and Jackson, I want
do a thorough search through all these back yards I need two officers to
meet me down here Alright, I need two 8th district officers 4400 Struble
Struble and Jackson, meet the sergeant 824 24 Okay 813 I
walk down 813 Okay 108 is there any K9 available in the area...
8 BARNEY K9 is already doing a search but I just want to go and double

CHECK all the backyards and all the sheds.... (COP) 14th officer EN ROUTE to
DITMAN AND Strahle.... (COP) 810 — behind 14 now....

TR. #18

(COP) command 24 Pat BARNEY ON AIR.... (DIS) 24 Pat BARNEY.... (COP) 24 Pat BARNEY....
(COP) yea, 2 command to 24 Pat BARNEY I HAVE my 2ND district CAR HERE do you
have that complainant to transport him down.... (COP) yea, I'm right on FRANK
AV.... (COP) 8 BARNEY I HAVE 3 officers going into 4458 Strahle, the owner of the
property says that she has a deck and the back window to her Kitchen is now
open, 3 officers from, I believe the 24th are going in, I'm in the REAR with
824.... (COP) 108 anything UNIQUE about this white auto that Fled.... (DIS) 811 any
thing UNIQUE about this white auto that fled, an older model white Chrysler, older
model Chrysler or olds.... (COP) K to A where did they say they had that back window
open.... (DIS) 4558 Strahle.... (COP) NOT 4458 Strahle.... (DIS) 4458 Strahle....

TR. #19

(COP) K to A do they NEED K9 to SEARCH a garage also somewhere.... (COP) 25 command
..... (DIS) Alright, that's a negative the garage is clear....

TR. #20

(COP) command CAN you HAVE 8 BARNEY come back to me please.... (DIS) 8 BARNEY.... 8
BARNEY EN ROUTE.... (COP) 233.... (DIS) 233.... (COP) ? 4200 Holmsburg
.... (COP) you said 4200 Holme.... (DIS) Holmsburg.... (COP) 24 Pat
BARNEY 233 CAR is gonna be transporting these witnesses down to that
location for me.... (DIS) RECEIVED.

TR. #21

(COP) command.... (DIS) command.... (COP) Ma'am, if you could RAISE any people from SA
division from the 25th oh, — come in and COMMISSIONER they can start resumi
.... (DIS) All units from EAST division from the 25th you can start RESUMING.... (COP) it's possible
if they haven't switched over CAN you maybe give that to their band.... (DIS) we
Already did.... (COP) Thanks

D-8

TR. # 22

(COP) 8 B what was the actual time of this call.... (COP) FAR NORTHEAST..... (DIS) 8 BARNEY 8:
 (DIS) Proceed.... (COP) ——— what's the exact location, what's the staging
 AREA..... (DIS) it's, 8 BARNEY..... (COP) yea, go ahead..... (DIS) do we have a staging area for
 this Strahle.... (COP) yea, it's gonna be in the Rita's Water ice right next to the CVS.
 (COP) Okay, what's the location there sir..... (DIS) 8 B what's the location..... (COP) ———
 heading back..... (DIS) ——— 8 B what's the location of the Rita's Water ice...
 (COP) it's right next to the CVS Maam, what's the address to the CVS 8400...
 (COP) Ah ——— I've got it..... (COP) Actually 8 B maybe or Ah 4400 Strahle all the
 ——— taking ——— OR taking to Rita's lot.... (COP) Alright, so the staging area is
 gonna the 4400 block Strahle..... (COP) Correct.... (COP) OKAY

TR. # 23

(COP) Ah J to FAR NORTHEAST.... (DIS) Proceed NORTHEAST..... (COP) exactly what do we have and what
 the location..... (DIS) we have open property 4458 Strahle but they have a staging
 AREA AT 4400 Strahle..... (COP) ——— 4458 is the property opened in the REAR on
 the front..... (DIS) 8 BARNEY is the property was it opened in the REAR or the front
 I know they said a window was open..... (COP) 813..... (DIS) 813..... (COP) I have the K
 searching out here, you still want him around that side..... (DIS) Alright, there's
 the K9 sergeant out there where do you want him..... (COP) 1539 he still out on
 Strahle

TR. # 24

(DIS)? Alright, do I have anybody that's out on Strahle..... (DIS) 811, 811.... (COP) I'm holding to
 CAR in the alleyway between Ah Strahle and BENSON, 811 what are you looking
 for..... (COP) I have a K9 unit they want to know Ah K9 sergeant are on location
 they want to know where they want for the search, do I have any units on
 this 4458 Strahle..... (COP) 813 just keep me advised K9 ——— the staging area.
 (DIS) Alright received.... (COP) 2511 just want you to know the house on Strahle
 was searched and cleared..... (DIS) OKAY received.

D-8

TR. #25

(COP) Ah J to face Northeast.... (DIS) PROCEED.... (COP) — was that 4458 Strahle street cleared.... (DIS) That's correct, the property was searched and cleared.... (COP) Does he still need S.W.A.T. to respond.... (DIS) Do they still need S.W.A.T. out there on Strahle.... ? (COP) & B go ahead.... (DIS) Do ya all still need S.W.A.T. here on Strahle.... (COP) Negative.... ? ? (COP) Yea, we'll still be en route, we'll let you know when we get there.... (DIS) Thank you.

TR. #26

(COP) (DIS) (COP) Ma'am raise & Barney for me.... (DIS) & Barney & Barney & B.... (COP) command to & Barney um we recovered, there's a fragment up here it went through outside wall went through the bed into a door frame and fell on the floor by the uh base molding.... (COP) Receive, alright you can uh keep 34 over there and I'll send crime scene over there uh they get here....

TR. #27

(COP) 108.... (DIS) 108.... (COP) were inside the uh — do we have any, uh was it positive negative on the car stop in the 25th.... (DIS) Was that a negative I.D. on the car stop does anybody know.... (COP) Was it the car stop that 2522 had.... (DIS) That's correct.... (COP) Yea, that was negative he made two stops.... (DIS) 108 with negative results....

TR. #28

Nothing

EXHIBIT

D-9

D-9

Gov. Exhibit # 65 EVIDENCE
 EDITED DISPATCH TAPES TRANSCRIBED
 FROM 2-14-11 AT APPROX. 8:35 p.m.

Male with gun in store 8525 FRANKFORD ASSIST OFFICER... police fire radio...
 Radio shots fired assist officer 701 LOCATION... ARE ANYONE ELSE ON
 LOCATION... shots fired... ONE ANYONE ELSE ON LOCATION WITH TOM 7... TOM 7
 is any cop shot..... A lot of shots from REAR of store.... 13 I had to
 discharge.... Alright 13 is done shot.... WE'RE STILL RUNNING EASTBOUND,
 STREET coming down to ditman... FLASH on the CAN you give me
 FLASH.... 13 give me FLASH is ANYONE shot in store.... MA'AM I'm
 RUNNING out here..... Alright do you have FLASH on male with gun...
 he's all in black, both ARE all in black.... THE MALES ARE all in
 black LAST SEEN going EASTBOUND..... IF it's up.... NOT up... Alright
 the male is in black LAST SEEN RUNNING through ALLEY... MA'AM
 I discharged behind CVS he pointed a WEAPON AT ME RIGHT BEFORE.
 he went over the fence, JUST KEEP AREA SECURED THERE, UNLESS
 they ditched it.... Alright 813 discharged in REAR of CVS, Alright...
 where's he at with the male, where did he last see the male at...
 Alright 13 where ARE you at now.... he last seen going through
 ALLEY towards ditman.... Hey BARRY I NEED CARS 43-4200 BLAKESTON
 STREET... OF STRAHLE... SET UP PERIMETER NOW, GET US MORE PEOPLE
 NOW.... 2ND ASSIST 4300 DITMAN 13 THE ONE WITH GUN FIRED
 he's WEARING all black.... ANY injury to police, any cops shot anyone
 shot.... Nobody shot but police discharge.... How many... that would be
 ME, I don't know who else... I NEED CARS 42-4300 BENSON AS WELL
 AS ONE BLOCK SOUTH OF BENSON.... I NEED SOME UNITS 4200 AND
 4300 BENSON.... THE white male with the... hood in black, I may
 have got him in the right leg _____ white male may be shot in
 the right leg... 811 I have an _____ ~~who~~ here who attempted
 to take his vehicle they pointed a gun at him....

EXHIBIT

D-10

B-10

INVESTIGATION INTERVIEW RECORD		PHILADELPHIA POLICE DEPARTMENT HOMICIDE DIVISION		CASE NUMBER	
NAME		[REDACTED]		INTERVIEWER / [REDACTED] # 8	
ADDRESS		[REDACTED]			
NAME OF [REDACTED]		[REDACTED]			
ADDRESS OF EMPLOYMENT/SCHOOL		8525 FRANKFORD AVE. CVS		DEPARTMENT Pharmacy	
DATES OF PLANNED VACATIONS					
DATES OF PLANNED BUSINESS TRIPS					
NAME OF CLOSE RELATIVE		[REDACTED]			
ADDRESS		SPINE			
PLACE OF INTERVIEW		CVS		DATE	TIME
				2/14/11	9:30 AM
BROUGHT IN BY				DATE	TIME
					AM PM
WE ARE QUESTIONING YOU CONCERNING					
WARNINGS GIVEN BY				DATE	TIME
					AM PM
ANSWERS	(1)	(2)	(3)	(4)	(5)
	(6)	(7)			
<p>TELL ME WHAT HAPPENED TONIGHT WHILE YOU WERE WORKING. IT WAS ABOUT 8:30 PM, I WAS BEHIND THE PHARMACY COUNTER WHEN I HEARD A NOISE, MY EMPLOYEE BRITTANY SCREAM, I TURNED & SAW ONE OF THE GUYS JUMPING OVER THE COUNTER. HE HAD WHAT LOOKED LIKE A HANDGUN, GLICK STYLE. HE SAID TO ME "OPEN UP THE SAFE QUICKLY". "NOBODY'S GONNA GET HURT, JUST OPEN THE SAFE". HE DIDN'T POINT THE GUN DIRECTLY AT ME HE JUST BRANDISHED THE GUN (IN HIS HAND IN FRONT OF HIM). THERE ARE TWO SAFES I OPENED BOTH SAFES. HE GRABBED A GREEN TRASH BAG FROM A TRASH BAG. HE SAID "FILL IT UP". I STARTED FILLING IT UP WITH THE DRUGS FROM THE SAFE. BRITTANY CAME OVER & STARTED HELPING ME. HE THEN SAID "GET SUBOXONE & XANAX". BRITTANY WENT OVER TO THE SHelves & GOT THEM.</p>					
RECORD	CHECKED BY				
<input type="checkbox"/> Yes <input type="checkbox"/> No	[REDACTED]				
REVIEWED BY					

INVESTIGATION INTERVIEW RECORD

CONTINUATION SHEET

CITY OF PHILADELPHIA

POLICE DEPARTMENT

NAME

PAGE

CASE NO.

2

Me + Brittany continued to fill the bag. He then came over + shoving the drugs into the bag. He was pulling out the drawers + asking what was in there. He kept asking where the money safe is, I told him there was no money safe in the pharmacy. He was pulling out other drawers. Then the other guy came back with the longer gun + tan ski mask. It appeared he was trying to open the cash register. The first guy was calling the other guy by the name (Dorrey). The second guy started towards the front of the ~~store~~^{or} store. I saw the Cops + the guys started scrambling. Brittany + I were crouched behind the counter + started hearing shots being fired. At that point I don't know where they fled.

Q. Describe the 1st guy with the HAND GUN?

A. He was about 5'5"-5'6", MALE, WHITE, DARK MASK. I couldn't tell you anything else, maybe MID 30's.

Q. Describe the second guy with the longer gun?

A. He was wearing a tan or light brown mask, maybe late 30's early 40's, 5'6"-5'7", MALE, white, large nose, the gun looked like a half a rifle, brownish in color.

D-10

INVESTIGATION INTERVIEW RECORD

CONTINUATION SHEET

CITY OF PHILADELPHIA

POLICE DEPARTMENT

NAME

PAGE

3

CASE NO.

Q. Can you describe their mask?

A. No, it covered lower face & forehead, just their nose & eyes were showing.

Q. Could you see the color of their eyes?

A. No.

Q. AFTER READING your statement is there anything you want to add?

A. The 1st guy took my cell phone from the counter & threw it.

Q. Were they both wearing gloves?

A. I couldn't see.

EXHIBIT
D-II

COP-Shooter

D-11

I.A.D PS#11-13

STATEMENT OF: P/O James Snyder AGE:53 RACE: W SEX: M
BADGE #6860 PR# [REDACTED] APPOINTED: 6-16-80
DISTRICT: 8th District PLATOON: 1-B
TELEPHONE: 215-686-3080

DATE AND TIME: Thursday, September 15, 2011, 12:00 PM
PLACE: Internal Affairs Division
7790 Dungan Road, Philadelphia, Pa. 19111.

BROUGHT IN BY: Self

DATE AND TIME: Thursday, September 15, 2011, 11:30 AM

CONCERNING: The Discharge of your firearm that occurred on Monday,
February 14th 2011, at approximately 8:33 PM in the rear of
8525 Frankford Avenue.

IN THE PRESENCE OF: Lt. John Prendergast #159, I.A.D Shooting Team.
Danielle Nitti E.s.q. FOP Legal Rep. *Danielle Nitti*

RECORDED BY: Lt. John Prendergast #159, I.A.D Shooting Team.

Officer, I am Lt. John Prendergast #159, I.A.D. I will be taking your statement on a word processor. Also present is your attorney Danielle Nitti

Officer, we are conducting an official administrative inquiry concerning the performance of your duties as a police officer. Police Department employment regulations require any police officer that discharges a firearm to account for and make a statement regarding their actions. The District Attorney's Office reviews all firearm discharge incident, and in this case, Christopher Diviny, Chief of the Special Investigations Unit of the Philadelphia District Attorney's Office informed me in a letter, received on 8-2-11 that this investigation is no longer the subject of a criminal investigation by the District Attorney's Office.

Therefore, pursuant to Police Department Directive #10, relating to all discharges of firearms by police personnel, you will now be interviewed by an I.A.D Shooting Team Investigator.

P/O Snyder 6860

Pursuant to Philadelphia Police Department Disciplinary Code, You are reminded that failure to cooperate in any Departmental Investigation is punishable by ten (10) days suspension to Dismissal under Article 1-008-10 of the Disciplinary Code. You are also reminded that lying or attempting to deceive regarding a material fact during the course of any Departmental investigation is punishable by Dismissal under Article 1-009-10 of the Disciplinary Code.

Q. Do you understand this?

A. Yes.

Q. Are you willing to cooperate?

A. Yes

Q. Are you represented by counsel?

A. Yes

Q. Did you have an opportunity to consult with your attorney regarding this matter?

A. Yes

Q. What is your full name, rank, badge number, and district or unit of assignment?

A. James Snyder, Police Officer, badge #6860, and I am assigned to the 8th District.

Q. How long have you been a police officer?

A. January 1988, I was a prison guard prior to that for about 8 yrs.

Q. How long have you been assigned to the 8th District?

A. Since March 1992

Q. What was your tour of duty and assignment on Monday, 2-14-11?

A. I was working the 3:00 PM to 11:00 PM tour of duty assigned to RPC 812, and I was solo.

Q. Were you in uniform or civilian attire?

A. In uniform

P/O Snyder

D-11

Q. Will you please go on in your own words and tell me all that you know about this Incident.

A. At approximately 8:30 PM there was a police radio call for a robbery in progress at 8525 Frankford Avenue at the CVS store. I started to drive to that location, I remember 8-T-7, P/O Seymour and P/O Schmid come over radio and stated that they were location and stated that the males were still inside the store. About thirty seconds later one of the officers stated that there were shots fired from inside the store. I pulled up on an angle on Strahle Street facing the store. I knew the two officers were still inside the store, because I did not see the officers outside. I exited my vehicle, drew my firearm and saw a police vehicle, RPC 822 parked on Strahle facing the back of the store, also on an angle. I proceeded to that officer's location at the back of the store. I was about half way to RPC 822 when I heard P/O Boccalupo yelling three or four times, "Get down on the ground, get down on the ground." I can't see the officer, but I ran towards his car. When I reach the patrol car, I heard gunshots, it sounded like it was coming from right where his car was. I ran to the where the fence line ends, it came right up to the sidewalk. I look down the driveway and did not see anything. I step from cover and that is when I saw a guy get up from a crouching position, and face us. I then discharged my weapon. The male moved east towards the middle of driveway, and that is when I fired two more times. The male then ran behind the driveway and I lost sight of him at this point. I then ran south down the driveway and then east through the driveway between Strahle and Benson Street. The male was running towards Jackson Street. The male was a great distance away from us. I saw a car parked in the driveway with the driver's side door opened. There was an old guy next to the car and I could see the suspect running and make a right turn onto Jackson Street. The suspect ran southbound on Jackson towards Benson. When I got down to Jackson Street I could not see the male. I was looking for a getaway car, or something it was quiet. I figured he must have been hiding in one of these rear yards. I was searching for about fifteen twenty minutes, and then a sergeant was requesting badge numbers of officers who discharged their firearms. I went back to the front entrance to CVS and told the sergeant that I had discharged my firearm. Sgt. Labrice checked our weapons and transported us to Internal Affairs.

SAW ALL
THIS RUNNING
AND NO LIMP?

Q. How many suspects did you see?

A. Just the one that was crouched down on the other side of the fence.

Q. Can you describe that suspect?

A. Dark clothing, he looked rather tall when he stood.

Q. When that guy stood yup how tall was he?

A. About six feet.

Q. Could you tell me what race he was?

P/O Seymour 6860

D-11

A. No, I could not tell you it happened so fast.

Q. At what point did you draw your firearm?

A. When I got out of the car, I heard over police radio from officers inside that shots were fired, so I knew we were dealing with armed suspects.

Q. What were the lighting conditions at the place of occurrence?

A. Street lighting on Strahle. There was lighting on the wall of CVS. There was a street light behind RPC 822. I could see the male when he stood up. There was some light shining through from the driveway and the back of the store.

Q. What were the weather conditions at the time of occurrence?

A. It was a cool night, no rain.

Q. Where exactly was the suspect when you fired?

A. He was next to the fence on the residential driveway side when he stood up.

Q. How far were you from the suspect when you fired?

A. I was at the end of the fence, and he was about at the start of the driveway. Parallel to the CVS drive through window.

Q. Were any other officers present at the time of the discharge, and what were their actions?

A. The only officer that I saw was P/O Boccalupo and he was positioned to my left and behind me near his car. I could hear that he was firing his weapon.

Q. Were any civilians present, and what were their actions?

A. I did not remember seeing anybody at the time, just the old guy standing next to his car at the middle of the driveway.

Q. How many shots did you fire?

A. Three.

Q. What direction did you fire in?

A. South

P/O Snyder #6860

D-11

Q. What was the suspect doing?

A. He was coming out of a crouch position, he was moving, and my first thought was, this guy is going to fire at us again.

Q. Did you see P/O Boccalupo shooting prior to reaching the fence?

A. I did not see him, I heard him, Right before I hit the fence I heard him yelling to get down and then I heard multiple gunshots. I believed at this point there was an exchange of gunfire going on. I went to the end of the fence and then saw a guy pop up from a crouched position and I thought he was going to shoot, and that is when I discharged my firearm.

Q. Did you see the suspect with a gun?

A. No, I he got up, and I thought he was going to start shooting.

Q. Did the suspect say anything to you?

A. No.

Q. Did you hear anything while at the scene?

A. Multiple gunshots, P/O Boccalupo yelling and that is it.

Q. What did you do after you discharged your firearm?

A. When the suspect was out of sight, I went in foot pursuit after him down the driveway.

Q. Why did you shoot?

A. I fear for my life and P/O Boccalupo. The suspect fired inside the store and then outside with P/O Boccalupo. I thought when he stood up he was going to start firing at us again.

Q. Were you injured?

A. No.

Q. Were any civilians injured?

A. No, not that I know of.

Q. Are you right handed or left handed?

A. Right handed.

P/O Sawyer 6860

D-11

Q. Is your firearm registered with the Police Department as required by Directive #100?

A. Yes, it is a city issued firearm.

Q. Officer, as per procedural Directive #10, you are not to disclose any information about this incident to anyone else except personnel from I.A.D., or your attorney. Do you understand?

A. Yes

Q. You may testify in court do you understand?

A. Yes.

Q. Officer, having had an opportunity to review your statement with is there any anything you wish to add at this time?

A.

STATEMENT CONCLUDED: THURSDAY, 9-15-11, AT 1: 00 PM.
I HAVE READ THE FOREGOING STATEMENT CONSISTING OF SIX (6) PAGES,
AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND
BELIEF.

NAME: James Snyder
UNIT: 8-1-B
DATE & TIME: 9-15-11 1:00 PM

WITNESSES:

[Signature] 159

[Signature] 7/6860

EXHIBIT
D-12

Cop- Shooter

D-12

I.A.D PS#11-13

STATEMENT OF: P/O Dimitrios Loizos AGE: 32 RACE: W SEX: M
BADGE #2015 PR# [REDACTED] APPOINTED: 4-14-03
DISTRICT: 8th District PLATOON: 1-B
TELEPHONE: 215-686-3080

DATE AND TIME: Thursday, September 15, 2011, 10:00 AM
PLACE: Internal Affairs Division
7790 Dungan Road, Philadelphia, Pa. 19111.

BROUGHT IN BY: Self

DATE AND TIME: Thursday, September 15, 2011, 9:40 AM

CONCERNING: The Discharge of your firearm that occurred on Monday,
February 14th 2011, at approximately 8:33 PM in the rear of
8525 Frankford Avenue. ✓

IN THE PRESENCE OF: Lt. John Prendergast #159, I.A.D Shooting Team.
Danielle Nitti, E.s.q. FOP Legal Rep. *Danielle Nitti*

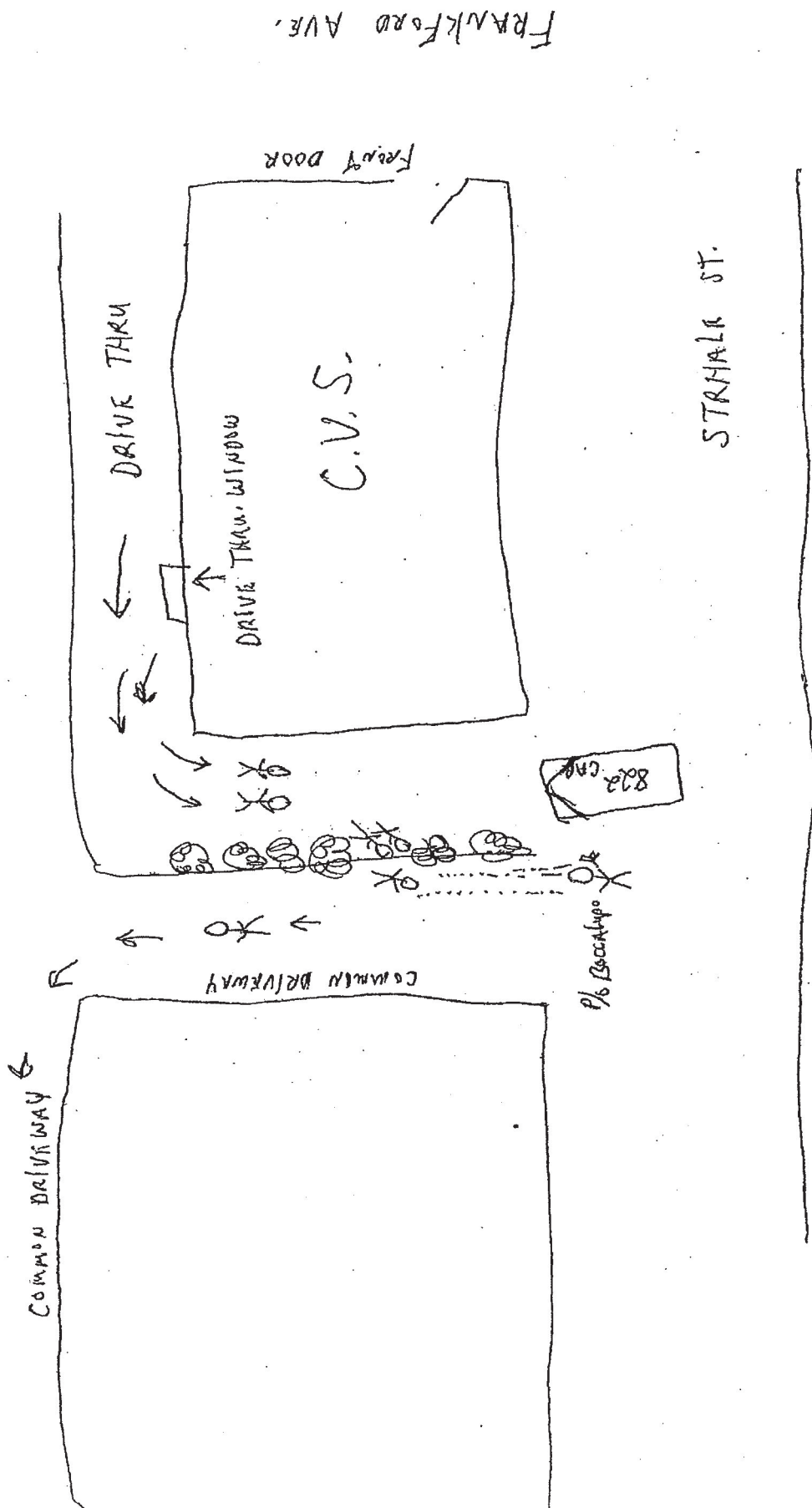
RECORDED BY: Lt. John Prendergast #159, I.A.D Shooting Team.

Officer, I am Lt. John Prendergast #159, I.A.D. I will be taking your statement on a word processor. Also present is your attorney Danielle Nitti, Esq.

Officer, we are conducting an official administrative inquiry concerning the performance of your duties as a police officer. Police Department employment regulations require any police officer that discharges a firearm to account for and make a statement regarding their actions. The District Attorney's Office reviews all firearm discharge incident, and in this case, Christopher Diviny, Chief of the Special Investigations Unit of the Philadelphia District Attorney's Office informed me in a letter, received on 8-2-11 that this investigation is no longer the subject of a criminal investigation by the District Attorney's Office.

Therefore, pursuant to Police Department Directive #10, relating to all discharges of firearms by police personnel, you will now be interviewed by an I.A.D Shooting Team Investigator.

De 2015



P/B Backup #4826
9-23-11 1116AM

D-12

Pursuant to Philadelphia Police Department Disciplinary Code, You are reminded that failure to cooperate in any Departmental Investigation is punishable by ten (10) days suspension to Dismissal under Article 1-008-10 of the Disciplinary Code. You are also reminded that lying or attempting to deceive regarding a material fact during the course of any Departmental investigation is punishable by Dismissal under Article 1-009-10 of the Disciplinary Code.

Q. Do you understand this?

A. Yes.

Q. Are you willing to cooperate?

A. Yes

Q. Are you represented by counsel?

A. Yes

Q. Did you have an opportunity to consult with your attorney regarding this matter?

A. Yes

Q. What is your full name, rank, badge number, and district or unit of assignment?

A. Dimitrios Loizos, Police Officer, badge #2015, and I am assigned to the 8th District.

Q. How long have you been a police officer?

A. 8 yrs.

Q. How long have you been assigned to the 8th District?

A. 3 or 4 yrs. Before that I was in the 23rd District. I was assigned there from the academy.

Q. What was your tour of duty and assignment on Monday, 2-14-11?

A. I was assigned to RPC 813 with P/O Jerricho, and we were working the 4:00 PM to 12:00 Am tour of duty.

Q. Were you in uniform or civilian attire?

A. We were both in uniform

D-12

Q. Were you the driver or the recorder?

A. I was the recorder

Q. Will you please go on in your own words and tell me all that you know about this Incident?

A. At approximately 8:30 Pm, we responded to a police radio call for a robbery at the CVS located at 8525 Frankford Avenue. My partner pulled up at Frankford and Benson Street. I saw several people across the street near the church and they were pointing in the direction of the rear of the CVS. Police radio came over prior and stated that it was a founded robbery at the store. We exited our patrol car and I started walking across the parking lot and down the driveway towards the drive through window. As I was walking down the driveway I heard shooting going on at the rear of the store. When I approached the window I saw that it was broken and it had several holes in it. To me it looked like it had been shot out. I peeked in the window to make sure nobody else was coming through the window. I did not see anybody else near the window. I then focused my attention towards the fence which was lined with trees and shrubs, and bushes. I could see a person on the other side of the fence, and this person was firing north down the drive way towards Strahle Street. Prior I believe P/O Boccalupo came over radio and stated that he was taking the rear of the store. I just assumed it was P/O Boccalupo and other officers in the back of the store and that would be the direction the males were firing in. I then drew my firearm and discharged it three times at the male firing down the driveway. This all happened in a matter of seconds. After I discharged my firearm, I saw a second guy on top of the fence drop down towards the ground. Both male then ran down the driveway, eastbound towards a street I just don't recall the name of the street right now. I did not even see the second guy on the fence until he jumped down from it. That's how fast it was. I waited a bit, because I did not want to turn the corner with officers positioned on the other side. I then went over radio and provide them with information that two males ran down the driveway, and I believe I told them that I had discharged my firearm. I then peeked around the corner and saw P/O Snyder near Strahle Street, I asked him if he was OK, and he said "yes" P/O Boccalupo was then running on the other side of the fence towards the driveway in foot pursuit of the males. I ran on foot east on Strahle to see if I could head them off down the end of the block.

Q. Can you describe the suspects?

A. Both males were dress in black

Q. Let's take the guy armed with a gun, what was he wearing?

A. Dark clothing.

Q. How tall was he?

SD #2015

D-12

A. 5ft 8 or 6ft, he was thinner than the second guy.

Q. Can you picture or remember anything else about this guy, the one with the gun firing?

A. No.

Q. The second guy on the fence, what do you remember about him?

A. He looked a little more stockier than the first guy. I am not sure about height, but he was close to the other guy. He had some kind of head covering on, it looked like a ski mask, it was black. I could tell that he was white because you could see the white skin around his eyes. Oh, his clothing was puffy, like he was wearing layers. It was cold that day.

Q. Can you remember anything else about these guys?

A. Yes, when he jumped from the fence he went down on one leg, it appeared to be his right leg.

Q. Was the suspect (s) operating a vehicle?

A. I don't know.

Q. When you reached the ended of Strahle Street what did you observe?

A. I saw other officers. I saw an officer talking to a white male, standing beside his vehicle.

Q. Do you remember what kind of car the male had?

A. No.

Q. At what point did you draw your firearm?

A. As soon as I exited my patrol vehicle and heard shots being fired. I believe P/O Seymour and P/O Schmidt, one or both may have come over police radio and stated that shots were fired inside the store. ✓

Q. What were the lighting conditions at the place of occurrence?

A. It was poor, there was some lighting from the window, and maybe a light at the top of the store. By the fence area it was dark.

D-12

Q. What were the weather conditions at the time of occurrence?

A. It was clear but cold. There was some snow or ice on the ground.

Q. Where exactly was the suspect when you fired?

A. He was on the other side of the fence firing north towards Strahle Street.

Q. How far were you from the suspect when you fired?

A. About 15 to 20 feet.

Q. Were any other officers present at the time of the discharge, and what were their actions?

A. My partner, P/O Jericho stated later that he was behind me a couple of steps. P/O Synder and P/O Boccalupo were at the rear of the property near Strahle Street.

Q. Were any civilians present, and what were their actions?

A. I only remember the ones near the church that was across the street from the CVS.

Q. How many shots did you fire?

A. I fired three.

Q. What direction did you fire in?

A. Eastbound.

Q. What was the suspect doing?

A. The suspect was firing north towards what I believed to be other officers.

Q. Did you see the suspect with a gun?

A. Yes.

Q. Can you describe the suspect's gun?

A. No, but I could see the flash coming from it.

Q. How many shots did the suspect fire?

A. I could not tell, all I could hear were multiple gunshots being exchanged.

120 #2015